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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**
11

12 ERICA ARTAVIA CAMPBELL,

13 Petitioner,

14 v.

15 MOLLY HILL, Warden,

16 Respondent.
17

No. CV 18-7591-JAK (PLA)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

18 On December 16, 2021, the Magistrate Judge issued a Report and Recommendation,
19 recommending that the Petition be dismissed with prejudice because petitioner's claims lacked
20 merit. (ECF No. 65). On March 15, 2022, petitioner filed Objections to the Report and
21 Recommendation. (ECF No. 70).

22 The bulk of petitioner's objections are sufficiently addressed in the Report and
23 Recommendation. One objection, however, warrants further discussion. Petitioner contends that
24 the Magistrate Judge's reliance on Markael Ballou's account of the murder was erroneous
25 because the Magistrate Judge mistakenly believed that Ballou witnessed petitioner stabbing the
26 victim when in fact he testified that he did not actually see the stabbing. (ECF No. 70 at 5).
27 Although the Report and Recommendation states that Ballou was "an eyewitness to the stabbing"
28 (ECF No. 65 at 22) and petitioner is correct that Ballou did not see her drive her knife into the

1 victim (see ECF No. 11-5 at 119), this objection is nevertheless meritless. Ballou was in close
2 proximity to petitioner and the victim when she stabbed him, and he witnessed the interactions
3 between the two immediately before petitioner stabbed the victim, as well as the victim's reaction
4 immediately after he was stabbed. (Id. at 116-19). Indeed, the only thing Ballou did not see was
5 petitioner stab the victim because she did so when Ballou had momentarily turned his back:
6 "[Petitioner's brother] had [the victim] against the refrigerator, and I was facing towards - out the
7 kitchen. All of a sudden, I turned around, and that's when [petitioner] had struck [the victim]." (Id.
8 at 119). What is more, Ballou testified that he was so close to petitioner and the victim
9 immediately before the stabbing that petitioner "brushed" against him as she stabbed the victim.
10 (Id. at 121). Given these facts, the Magistrate Judge properly relied on Ballou's account of the
11 murder in finding that the evidence was sufficient to support petitioner's second-degree murder
12 conviction.

13 Based on the foregoing and pursuant to 28 U.S.C. § 636, the Court has reviewed the
14 Petition, the other records on file herein, the Magistrate Judge's Report and Recommendation, and
15 petitioner's Objections to the Report and Recommendation. The Court has engaged in a de novo
16 review of those portions of the Report and Recommendation to which objections have been made.
17 Except as otherwise set forth herein, the Court concurs with and accepts the findings, conclusions,
18 and recommendation of the Magistrate Judge.

19 ACCORDINGLY, IT IS ORDERED:

- 20 1. The Report and Recommendation is accepted.
21 2. Judgment shall be entered consistent with this Order.
22 3. The Clerk shall serve this Order and the Judgment on all counsel or parties of
23 record.

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25 DATED: March 30, 2022

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27 _____
28 JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE